

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOWARD WASHINGTON,

Plaintiff,

v.

MESKATH UDDIN, et al.,

Defendants.

No. 2:22-cv-02272-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On April 5, 2023, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court

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1 and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and
2 recommendations to be supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 5, 2023, are adopted in full.
- 5 2. This action proceeds on plaintiff’s original complaint as to his Eighth
6 Amendment medical care claim against defendant Uddin.
- 7 3. Plaintiff’s Eighth Amendment excessive force claim is dismissed.
- 8 4. Lynch is dismissed as a defendant to this action.
- 9 5. The matter is referred back to the assigned Magistrate Judge for further
10 pretrial proceedings.

11 DATED: July 21, 2023.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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